

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL DAVIS,

Plaintiff(s),

CASE NUMBER: 07-14791
HONORABLE VICTORIA A. ROBERTS

v.

MDOC, et al.,

Defendant(s).

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ORDER ADOPTING REPORT AND RECOMMENDATION

On November 27, 2007, Magistrate Judge Charles Binder submitted a Report and Recommendation ("R&R") [**Doc. 5**] recommending that the Court, *sua sponte*, dismiss *pro se* inmate Darrell Davis' complaint with prejudice for failure to state a claim upon which relief may be granted. The Magistrate found that the 42 U.S.C. §1983 claim against each Defendant fails as a matter of law either because 1) the Defendant is immune to suit, 2) Plaintiff failed assert any allegations against the Defendant, or 3) the allegations made do not support a constitutional claim. Plaintiff objected to the R&R [**Doc. 8**], but failed to establish that the Magistrate erred in his assessment of Plaintiff's complaint. Therefore, the Court adopts the Magistrate Judge's Report and Recommendation. Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: January 30, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Darrell Davis by electronic means or U.S. Mail on January 30, 2008.

s/Linda Vertriest _____
Deputy Clerk